

NORTHERN TERRITORY OF AUSTRALIA
JUVENILE JUSTICE AMENDMENT ACT (NO. 2) 1999

No. 34 of 1999

TABLE OF PROVISIONS

Section

1. **Short title**
2. **Commencement**
3. **Principal Act**
4. **Interpretation**
5. **Disposition by Court**
6. **Sentencing of repeat property offenders who have attained the age of 15 years**
7. **Application**



NORTHERN TERRITORY OF AUSTRALIA

No. 34 of 1999

AN ACT

to amend the *Juvenile Justice Act*

[Assented to 18 June 1999]
[Second reading 1 June 1999]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Juvenile Justice Amendment Act (No. 2) 1999*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. Principal Act

The *Juvenile Justice Act* is in this Act referred to as the Principal Act.

4. Interpretation

Section 3 of the Principal Act is amended –

- (a) by omitting from subsection (1) the definition of "mandatory period" and substituting the following:

" 'mandatory period', in relation to a juvenile sentenced in respect of one or more property offences, means so much of a period of detention as

is required to be imposed on the juvenile under section 53AE;"
and

- (b) by omitting from subsection (1) the definition of "property offence" and substituting the following:

" 'property offence' means an offence specified in the Schedule that is committed on or after 8 March 1997;"

5. Disposition by Court

Section 53 of the Principal Act is amended by omitting from subsection (2) "Where" and substituting "Subject to section 53AE, where".

6. Sentencing of repeat property offenders who have attained the age of 15 years

Section 53AE of the Principal Act is amended by omitting subsections (2) to (5) (inclusive) and substituting the following:

"(2) Where –

- (a) a juvenile who has been found guilty of one or more property offences is before the Court to be sentenced in respect of those offences; and
- (b) the Court has on a previous day dealt with the juvenile under section 53(1) in respect of one or more property offences,

the Court must do one of the following:

- (c) order the juvenile to participate in a program approved under subsection (3) and adjourn the matter for that purpose;
- (d) record a conviction and order the juvenile to serve one period of detention of not less than 28 days in respect of all of the offences referred to in paragraph (a).

"(3) The Minister may, by notice in the *Gazette*, approve a program for the purposes of subsection (2)(c).

"(4) If the Court is satisfied that a juvenile ordered under subsection (2)(c) to participate in a program has satisfactorily completed the program, the Court may –

- (a) make an order under section 53(1)(a) discharging the juvenile without penalty in respect of all of the offences referred to in subsection (2)(a); or

Juvenile Justice Amendment Act (No. 2) 1999

- (b) do any of the other things specified in section 53(1) in respect of all of those offences.

"(5) If –

- (a) the Court is satisfied that a juvenile ordered under subsection (2)(c) to participate in a program has failed to satisfactorily complete the program;
- (b) the juvenile is found guilty of one or more offences committed while the matter stands adjourned under subsection (2)(c); or
- (c) both of the events described in paragraphs (a) and (b) occur,

the Court must –

- (d) if the order under subsection (2)(c) is still in force – revoke the order; and
- (e) record a conviction and order the juvenile to serve one period of detention of not less than 28 days in respect of all of the offences in relation to which the order under subsection (2)(c) was made and, if any of the offences referred to in paragraph (b) are property offences, all of those property offences.

"(6) Where –

- (a) a juvenile who has been found guilty of one or more property offences is before the Court to be sentenced in respect of those offences; and
- (b) the juvenile has on one or more previous days been dealt with under subsection (2)(d), (4)(a) or (b) or (5) or this subsection by the Court in respect of one or more property offences,

the Court must record a conviction and order the juvenile to serve one period of detention of not less than 28 days in respect of all of the offences referred to in paragraph (a).

"(7) If a juvenile who has on a previous day been dealt with under subsection (2)(d), (4)(a) or (b), (5) or (6) is before the Court to be sentenced in respect of one or more additional property offences that were committed before the juvenile was dealt with under that provision –

- (a) this section (other than this subsection) does not apply in relation to those additional property offences; and

Juvenile Justice Amendment Act (No. 2) 1999

- (b) the Court may do any of the things specified in section 53(1) in relation to those additional property offences.

"(8) A reference in subsection (6) to a juvenile who has been dealt with under a provision of this section is to be read as including a reference to a juvenile who has been sentenced under section 53AE as in force at any time on or after 8 March 1997.

"(9) The mandatory period of a period of detention imposed under subsection (2)(d), (5)(e) or (6) is not to be served concurrently with either of the following:

- (a) a period of detention for another offence that is not a property offence regardless of when the sentence for the other offence was imposed;
- (b) the period of detention for another property offence if the sentence in respect of that other property offence was imposed on a different day.

"(10) The Court must not make an order under subsection (2)(d), (5)(e) or (6) detaining a juvenile in respect of all of the property offences for which the juvenile is being sentenced on a particular day that exceeds –

- (a) the sum of the maximum periods of detention that could be imposed if a separate period were imposed in respect of each offence; or
- (b) 12 months,

whichever is the lesser."

7. Application

The amendments effected by section 6 apply in relation to a juvenile who is before the Court at any time after the commencement of that section to be dealt with in respect of a property offence that was committed on or after 8 March 1997.